

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:08-cr-00018-LJM-KPF-2
	)	
DONELLA LOCKE,	)	
	)	
Defendant.	)	

**SENTENCING MEMORANDUM RELATING TO RESTITUTION**

The parties will be engaged in a resentencing hearing on Friday November 18, 2011. In addition to the legal issues relating to the Seventh Circuit decision that directed the resentencing, the government will seek the same amount of restitution as was ordered at the original sentencing. The government tenders the following amounts in support of the numbers that were in the original PSR for Donella Locke, and the basis for this Court's order. These numbers had also been previously submitted to the probation officer, who consolidated amounts for any particular victim lender. Prior to the original sentencing date, the government had received numbers for all but two properties. Sometimes, there are two victim lenders listed because there was a first and second mortgage. Sometimes the mortgages were sold, and sometimes the original lending institution kept the note.

**Restitution should be made in the following amounts:**

- GN Mortgage Guaranty Bank (Count 2):  $\$58,289 + \$85$  (sheriffs sale costs) =  $\$58,374$ .

**The restitution should go to:**

**Guaranty Bank, FSB  
4000 West Brown Deer Road, 3<sup>rd</sup> Floor  
Brown Deer, WI 53209-1221  
\$58,374**

- Argent Mortgage (Count 7) :  $\$42,977 + \$85$  (sheriffs sale costs) =  $\$43,062$ .

**The restitution should go to**

**Deutsche Bank  
60 Wall Street  
New York, NY 10005  
\$43,062**

- Argent Mortgage (Count 8):  $\$98,653 + \$275$  (sheriffs sale costs) =  $\$98,928$

**The restitution should go to--  
Wells Fargo  
51 E. Bethpage Rd.  
Plainview, NY 11803**

- WMC Mortgage (Count 9):  $\$202,738 + \$275$  (sheriffs sale costs) =  $\$203,013$

**The restitution should go to two servicers--**

**HomeComings Financial LLC  
2711 North Haskell, Ste. 900  
Dallas, TX 75204  
\$162,465**

**Home Vest LLC  
6701 Carmel Road, Ste. 110  
Charlotte, NC 28226  
\$40,547**

- People's Choice (Count 10)  $\$36,390 + \$69.51 = 36,459.51$

**The restitution should go to—**

**HSBC Bank USA, NA  
7515 Irvine Center Dr.  
Irvine, CA 92168**

- Network Funding (Count 11)  $\$51,000 + \$275 = \$51,275$

**The restitution should go to—**

**EMC Mortgage  
2780 Lake Vista Dr.  
Lewisville, TX 75067-3884**

- Fremont Investing (Count 14)  $\$34,000$

**The restitution should go to**

**Fremont Reorganizing Corp.f/k/a Fremont Investment & Loan  
2727 E. Imperial Highway  
Brea, CA 92821  
\$34,000**

- Decision One Mortgage (Count 20)  $\$183,154$

**The restitution should go to two servicers—**

**HomeComings Financial LLC  
2711 North Haskell, Ste. 900  
Dallas, TX 75204  
\$146,523**

**Saxon Mortgage Services  
4708 Mercantile Dr. North  
Fort Worth, TX 76137-3605  
\$36,630**

- Mortgage IT (Count 26): \$346,274

**Restitution should be sent to:**

**America's Servicing Company  
2701 Wells Fargo Way MAC x9999-019  
Minneapolis, MN 55467-8000  
\$277,019**

**Cenlar FSB  
425 Phillips Blvd  
Ewing, NJ 08618-1430  
\$69,255**

- Mortgage IT (Count 28) \$304,607 + \$275 (sheriffs sale costs) = \$304,882

**The restitution should go to two servicers--**

**Deutsche Bank  
60 Wall Street  
New York, NY 10005  
\$243,961**

**Green Tree Servicing LLC  
345 St. Peter St.  
St. Paul, MN 55102  
\$60,921**

- Freedom Home Mortgage (Count 29) \$258,928

**The restitution should go to two servicers--**

**HomeComings Financial LLC  
2711 North Haskell, Ste. 900  
Dallas, TX 75204  
\$207,142**

**Irwin Home Equity  
12677 Alcosta Blvd., Ste. 500  
San Ramon, CA 94583  
\$51,786**

- Freedom Home Mortgage (Count 34)  $\$742,151 + \$416 = \$742,567$

**The restitution should go to two servicers–**

**HomeComings Financial LLC**  
**2711 North Haskell, Ste. 900**  
**Dallas, TX 75204**  
**\$594,137**

**Irwin Home Equity**  
**12677 Alcosta Blvd., Ste. 500**  
**San Ramon, CA 94583**  
**\$148,430**

**Total restitution of \$2.30,916**

Additionally, in preparation for this hearing, the government has found the restitution for the two counts that were not submitted at Locke's first sentencing. While the government is not seeking restitution be ordered for these counts because it might be deemed to exceed the scope of the remand, the Court is free to consider the additional loss to lenders within the 3553(a) factors:

**Count 3:** The original loan amount was \$477,000, however the subsequent sales price to the arm's length transaction buyer following the investigation was \$283,000 for a difference of \$193,500. U.S. Bank was the victim bank that absorbed this loss.

**Count 5:** The original loan amount was \$440,910, however, the subsequent sales price to the arm's length transaction buyer following the investigation was \$364,000 for a difference of \$76,910. Deutsche Bank was the victim bank that absorbed this loss.

**CONCLUSION**

This Court should order the same restitution amounts as it ordered before.

Respectfully submitted,

JOSEPH H. HOGSETT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2011, a copy of the foregoing Sentencing Memorandum Relating to Restitution was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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I hereby certify that on , a copy of the foregoing Sentencing Memorandum Relating to Restitution was mailed, by first class U.S. Mail, postage prepaid and properly addressed, to the following:

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